

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JUL 31 2008

JOHN F. CORCORAN, CLERK
BY:  DEPUTY CLERK

JAMES THOMAS SHELTON,
Plaintiff,

Civil Action No. 7:08-cv-00411

v.

By: Hon. Glen E. Conrad
United States District Judge

CENTRAL VIRGINIA REGIONAL
JAIL MEDICAL DEPARTMENT, et al.,
Defendants.

DISMISSAL ORDER

Plaintiff filed this pro se civil rights complaint pursuant to 42 U.S.C. § 1983, with jurisdiction vested under 28 U.S.C. § 1343. On July 23, 2008, the court entered an order directing plaintiff to execute the then-enclosed consent to the withholding of the filing fee from his inmate account, to amend his complaint to name proper defendants and to state a claim upon which relief may be granted, and to verify that he has exhausted all available administrative remedies pursuant to 42 U.S.C. § 1997e(a). Additionally, plaintiff was directed to immediately notify the court upon his transfer or release from his present place of incarceration and to provide the court with his new mailing address, and that the failure to notify the court of a change of address would result in the dismissal of this action. All paperwork forwarded to the plaintiff in care of the Central Virginia Regional Jail in Orange, Virginia has been returned as undeliverable and plaintiff has provided no new address by which the court can contact him.

Accordingly, inasmuch as plaintiff has failed to notify the court of his present address and has made no attempt to contact the court or otherwise proceed with this action, the court finds that, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure, plaintiff has failed to prosecute this action. See Ballard v. Carlson, 882 F.2d 93 (4th Cir. 1989). Finding a failure to prosecute, it is hereby **ORDERED** that this action be **DISMISSED WITHOUT PREJUDICE** and that the action

be stricken from the active docket of the court.

Plaintiff is directed that should he desire to proceed with this action, he should petition the court within thirty (30) days of the entry of this order for a reinstatement of this action. Plaintiff's motion should state the reasons for his failure to prosecute and, most importantly, the reasons for his failure to notify the court of his change of address.

The Clerk is directed to send copies of this order to plaintiff at his last known address.

ENTER: This 31st day of July, 2008.



United States District Judge